

1 DAVID G. SPIVAK, State Bar # 179684
2 THE SPIVAK LAW FIRM
3 9454 Wilshire Blvd.
4 Suite 303
5 Beverly Hills, CA 90212
6 Telephone (310) 499-4730
7 Facsimile (310) 499-4739
8 Email david@spivaklaw.com

9 Attorney for Plaintiff,
10 JOHN BURNELL

11

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION**

14 JOHN BURNELL and all others
15 similarly situated,

16 *Plaintiff(s),*

17 v.

18 SWIFT TRANSPORTATION CO.,
19 INC., an Arizona corporation; DOES 1
through 50, inclusive,

20 *Defendant(s).*

21 Case No.: ED-CV 10-00809 VAP(OPx)

22

23 **ORDER RE: FILING OF FIRST
24 AMENDED COMPLAINT**

25 Pursuant to the stipulation of the parties and good cause appearing therefore,
26 IT IS HEREBY ORDERED THAT:

27 1) The [Proposed] First Amended Complaint will be deemed filed on the
date it is lodged with the Court.

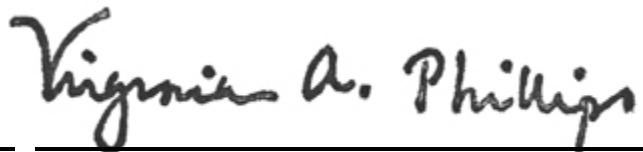
2) Defendants may respond to the First Amended Complaint by motion
to dismiss, motion to strike or other responsive pleading. Nevertheless, Defendant

1 SWIFT TRANSPORTATION CO., INC., an Arizona corporation, shall not be
2 required to answer the amendment, and all denials, responses and affirmative
3 defenses contained in the Answer to the Complaint filed by Plaintiff on March 22,
4 2010 in San Bernardino Superior Court shall be responsive to the First Amended
5 Complaint.

6 **IT IS SO ORDERED.**

7 October 12, 2010

8 Date



9 The Honorable Virginia A. Phillips,
10 United States District Court Judge

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28